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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/864,885

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Mark Rukavina

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12/08/2009

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EXAMINER

HADZONOOZ, BANAPSHEH

ART UNIT

PAPER NUMBER

3715

MAIL DATE

DELIVERY MODE

12/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/864,885

Applicant(s)

RUKAVINA ET AL.

Examiner

Banafsheh Hadizonooz

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-17, 19-22, 24-36, 38 and 43-50 is/are pending in the application.
- 4a) Of the above claim(s) 5-10, 13-15, 19-21, 26-31, 34-36 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11, 17, 22, 24, 25, 32-33, 43-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/14/2009 has been entered. The finality of the previous rejection is withdrawn. Claims 1-11, 13-17, 19-22, 24-36, 38 and 43-50 are pending. Claims 12, 18, 23, 37, 39-42 and 51-58 are cancelled. Claims 5-10, 13-15, 19-21, 26-31, 34-36 and 38 are withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 11, 17, 24, 25, 32, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert (US 2001/0055749) in view of Lamp (US 2002/0143873).

[Claims 1, 43, 49]: Siefert discloses a system and method for training, comprising: a data base (e.g. repository) for storing a plurality of reusable learning objects (e.g. course contents) and a profile of at least one student that defines a plurality of course

requirements of the student; and a dynamic rendering engine (e.g. Intelligent administrator) adapted and configured to create an individualized course for the student by assembling a subset of the learning objects in response to an assessment item designed to evaluate whether the student has mastered a learning objective, wherein learning objects are unassembled immediately prior to delivery (See Abstract, [0075]-[0091] and [0051]). Siefert further discloses that the learning objects are dynamically assembled prior to delivery (See [0050]-[0051]). Siefert does not specifically disclose that the authoring tool is operable to decompose course content into individual objects. However, Lamp discloses a learning content creation system with a methodology for breaking down the content into reusable learning objects. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Siefert to incorporate the features of Lamp's invention in order to design a system that allows instructors to easily share and reuse their teaching materials in a manner that is individually customized to students' need.

[Claims 2, 11]: Regarding claim 2, Siefert further discloses a system, wherein each of the learning objects represents a discrete element of the e-learning course (e.g. a chapter of a book) (See [0087]).

With respect to claim 11, Siefert discloses a system, wherein the dynamic rendering engine delivers the e-learning course to the student via a computer network (See Figure 1).

Regarding Claim 16, Siefert discloses a learning management system that manages student information and guides students learning (See Abstract).

[Claims 17, 50]: Siefert discloses an authoring tool (e.g. Intelligent Administrator) operable to create a plurality of learning objects, wherein at least one of the learning objects includes an assessment item for determining the learning objects containing learning objectives of the student (e.g. evaluating the competency level of student) (See [0094]-[0099]); a dynamic delivering tool operable to deliver a course page of instruction embodying at least one learning object, wherein the course page is dynamically assembled by the e-learning tool in response to determining characteristic of the student by evaluating the assessment item (see [0051]); and a learning management system containing student's profile (See [0073]-[0074]). Siefert further discloses that object is a software construct used to bundle together code and that the software application receives e-learning content and categorizes the content into classes of discrete elements (See [0041]-[0042]). Siefert does not specifically disclose that the authoring tool is operable to decompose course content into individual objects. However, Lamp discloses a learning content creation system with a methodology for breaking down the content into reusable learning objects. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Siefert to incorporate the features of Lamp's invention in order to design a system that allows instructors to easily share and reuse their teaching materials in a manner that is individually customized to students' need.

[Claim 24, 25]: Siefert discloses learning management system presents course information to the student in a form of a campus that summarizes which of a plurality of

courses are available to the student and which of the available courses the student has taken (See [0096]); the system further comprises a data base for storing the plurality of learning objects and students profile (See [0057]).

[Claim 32]: Claim 32 discloses means to perform the features of Claim 1 above.

Claims 3, 4, 22, 33, and 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert (US 2001/0055749) in view of Lamp (US 2002/0143873) further in view of Cook (US 6, 201, 948).

[Claims 3, 4, 33, 44, 22]: Siefert/Lamp discloses all the claim limitations except for including technological capability of a computer system in student profiles. Cook discloses that the profile includes a technological capability of a computer system being utilized by the student (See Col. 7, 17-21), wherein the technological capability is bandwidth available to the student for receiving the e-learning course (See Col.20, 29-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of the Cook's invention into the limitations of the system of Siefert in order to assess the student's performance objectively.

Regarding claim 33, Cook discloses a system, wherein the student information identifies a language preference of the student, a technological capability of a computer system used by the student to access the e-learning content, and information as to e-learning content with which the student is familiar (See Col.7, 17-21 and Col.26, 52-59).

With respect to claim 45, Cook further discloses the article of manufacture of claim 44, wherein the requirements of the user are separately stored within a database profile (Col. 14, 21-28), and further wherein the third code segment determines the subset of learning objects by semantically matching the requirements to the subset of learning objects (Col. 24, lines 15-29).

Regarding claim 46, Cook further discloses the article of manufacture of claim 43, wherein the first code segment further comprises: a code segment for presenting a plurality of templates to a course developer, for entering the course content into the templates for accumulation (Col. 4, 41-45).

Claims 47 and 48 disclose means for carrying out claim 43.

Response to Arguments

Applicant's arguments with respect to claim rejections under 35 U.S.C 103(a) have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Banafsheh Hadizonooz whose telephone number is 571-272-1242. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272- 7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BH

/Cameron Saadat/
Primary Examiner, Art Unit 3715